

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3706 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

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VALLABHBHAI DAHYABHAI PATEL

Versus

BABUBHAI VALLABHBHAI PATEL

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Appearance:

MR BB NAIK for Petitioners

MR JB PARDIWALA for Respondent No. 1

NOTICE SERVED for Respondent No. 2

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CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 25/06/98

ORAL JUDGEMENT

Mr.B.B.Naik,learned Counsel for the petitioners states and clarifies that the portion of land in Block No.139 which was determined in the consent decree passed by the learned Civil Judge (J.D.), Chikhli has already been handed over to respondent no.1. Respondent no.1 has taken over possession of the portion of land as mentioned

in the consent decree in Regular Civil Suit No.37 of 1988 passed by the learned Civil Judge (J.D.), Chikhli. The sale deed which has been executed by petitioner no.1 in favour of petitioners nos. 2, 3 and 4 with respect to some portion of land bearing Block No.139, does not include the portion of land which has already been handed over to respondent no.1, as per the decree. Therefore, no rights of respondent no.1 are infringed.

2. Mr.Pardiwala, learned Counsel for respondent no.1 states that in view of the above statement made on behalf of the petitioners he has no objection if the permission which petitioner no.1 had sought for before the Deputy Collector, Navsari, is confirmed.

3. In the aforesaid view of the matter, the order passed by the Special Secretary in Revision Application No.1 of 1996 dated 11-3-1997 (Annexure D to the petition ) is quashed and set aside and the order No.LND/CON/VASHI-2172/96 passed by the Deputy Collector, Navsari on 16-8-1996 (Annexure B to the petition ) is restored.

4. Rule is made absolute to the aforesaid extent with no order as to costs.

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